

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

TELEFONAKTIEBOLAGET LM
ERICSSON AND ERICSSON INC.,

Plaintiffs,

v.

APPLE, INC.,

Defendant.

Civil Action No. 2:21-cv-00376-JRG

Jury Trial Demanded

APPLE INC.,

Counterclaim-Plaintiff,

v.

TELEFONAKTIEBOLAGET LM
ERICSSON AND ERICSSON INC.,

Counterclaim-Defendants.

**ERICSSON'S NOTICE OF PROPOSED BRIEFING SCHEDULE
ON APPLE'S EMERGENCY MOTION (DKT. 116)**

Plaintiffs Telefonaktiebolaget LM Ericsson and Ericsson Inc. (“Ericsson”) hereby provide notice of their proposed briefing schedule for Defendant Apple, Inc.’s (“Apple”) “Emergency Motion for Relief Against Ericsson’s Attempt to Use Secret, *Ex Parte* Actions in Bogota, Colombia” (Dkt. 116, the “Motion”).

I. Relief Requested in the Motion

Apple filed its Emergency Motion on 3:50 p.m. Friday, July 8. Although Apple’s motion concerns an injunction for patent infringement issued against it in Colombia, Apple does not seek an injunction. Instead, Apple’s motion primarily seeks monetary relief, specifically an order that Ericsson “indemnify Apple for any fines, fees, penalties, and costs it incurs as a result of the Colombian injunction.” Dkt. 116 at 4. As Apple makes clear, “Apple seeks only indemnification and not an injunction.” *Id.* at 14; *see also id.* 2 n. 1 (“Apple does not seek an injunction by this motion . . .”); *id.* at 4 (“Apple’s motion does *not* seek an ‘anti-injunction injunction.’”). In addition, Apple seeks to expand the terms of this Court’s protective order to permit Apple to provide certain documents that have been produced in this proceeding to its Colombia counsel. Dkt. 116 at 4.

II. Ericsson’s Proposed Expedited Briefing Schedule

Given that no injunctive relief is requested, but instead primarily monetary relief, it is far from clear that Apple’s motion should be accorded emergency treatment. Nonetheless, because Apple has styled its Motion as an emergency one, Ericsson is willing to expedite its response. Ericsson proposes the Court set a deadline for Ericsson’s response of July 15 (seven days from service), and reduce the reply and sur-reply deadlines from 7 days to 3 days each. This schedule would provide for expedited treatment while still allowing the parties to focus their energy on completing fact discovery, which closes in this case this Friday, July 15.

Dated: July 10, 2022

Respectfully Submitted,

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**ATTORNEYS FOR PLAINTIFFS
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document has been served on all counsel of record via the Court's ECF system on July 10, 2022.

/s/ *Andy Tuck*
Andy Tuck